

FACTSHEET: TITLE 7 REVISIONS

Background

Title 7, the local ordinance that assists with Animal Regulation and Disease Control, has not been revised in over 20 years. At the direction of the Board of Health, staff, area veterinarians, Board members, members of the public and animal welfare advocates and agencies, participated in a comprehensive review. Working through two committees and taking into account substantial public input, amendment, to this ordinance is hereby provided.

Q&A

Why was Title 7 revised?

Title 7, ARDC Ordinance, is being revised due to no substantial changes in over two decades. Title 7 was also not in compliance with State regulations and standards. Definitions and terms had not been previously addressed. The new revisions add definitions to clarify and in effort to make Title 7 easily understood.

What was the process followed to establish revisions and recommendations brought forward?

The Board of Health established a Rabies Task Force chaired by Dr. Tom McCabe. This task force included veterinarians, Health District staff, members of the public, animal welfare agencies, a Board of Health member and representation from the Animal Shelter Advisory Committee (ASAC). The Assistant City Attorney representing the District and City at the time was Lisa Hayes.

The Rabies Task Force was then expanded to include local licensed pet breeders and was renamed the Animal Health and Welfare Committee. Their task was the review and development of recommendations concerning Title 7.

This new committee revised Title 7 to include the following:

- Strengthened animal care standards
- Aligned ordinance language with State standards (Attachment A)
- Addressed dangerous dogs and animals
- Addressed use or restraint devices
- Addressed use of poison
- Established/updated service fees for euthanasia-related activities
- Created a consumer appeal process
- Addressed sales of animals
- Addressed breeding of animals
- Addressed Micro-Chipping and 3-year rabies protocol

Adoption

The Board of Health unanimously approved the recommendations of the revisions on June 22, 2005 and submitted to Legislative Review Committee (LRC) on October 12, 2005. A subsequent LRC on November 2, 2005, was conducted. With significant input provided by the community at both LRCs, minor changes were made to the ordinance and introduced to City Council on November 22, 2005. The full ordinance was provided as back-up material for that particular Council meeting.

Additional Highlights to Title 7:

1. Micro-chipping:

Is micro-chipping a danger to the pet? No.

The reality is, micro-chipping is a simple injection, of a passive device, administered subcutaneously (under the skin) approximately between the animal's shoulder blades requiring no anesthesia.

Misconceptions:

Universal scanners are not available. Not true.

Animal Regulation and Disease Control (ARDC) has universal scanners capable of reading all types and manufacturer's chips.

Impounded animals are not scanned at ARDC. Not true.

Procedures are in place requiring all animals be scanned twice - at time of impoundment and prior to being euthanized.

Microchips are non-transferable. False.

Information is easily updated by notifying the data base administrator.

This service will be done free to animals registered locally.

Challenge:

Currently, only 10.5 % of dogs and 1.8% of cats brought in to ARDC are returned/released to owners; leaving 81% of all impoundments to be euthanized, equating to over 20,000 animals euthanized in FY 2005.

Benefits:

It is the goal of the Health District to increase the number of returned pets to their rightful owners in a timely fashion thus reducing the amount of animals impounded and euthanized.

Micro-chipping will assist in tracking owners and assisting the veterinarian community in reminding pet owners to register and vaccinate their animals.

A long-term goal of micro-chipping is for Animal Control Officers (ACOs) in the field to immediately notify pet owners of their stray or injured pets without

having to impound the animal, leading to a decrease in additional lodging fees and expenses.

Another aspect of micro-chipping in the future is the ability to capture medical information related to the animal. Special medical conditions may be annotated

Expediting the return of pets to the owner will reduce the cost of fuel for the vehicles especially during peak season, free additional lodging space, increase the efficiency use of time for the ACOs, maintain more field units in field.

2. Breeding:

Why should breeding be regulated?

Breeding in El Paso City-County contributes to a major pet over population problem. Estimates range from one hundred to one hundred and fifty thousand animals in the community. This figure does not take into account the gestation period of cats and dogs and potential of future animals that may be left abandoned. According to an article in Foster and Smith (2005) a cat averages 4-6 kittens while a dog will have 6-10 puppies. Gestation period for dog and cats is 58-68 days after they are bred.

CHALLENGE: Implementing measures to combat the uncontrolled pet population. Last year many of the 20,000 euthanized pets were candidates for adoption. It is in the best interest of the community to regulate the number of pregnancy and births of their pets.

BENEFITS:

Breeders will pay a \$75.00 annual fee for their female dog or cat and be allowed up to two litters per year. This has been demonstrated to be in the best interest of the pet's health.

Requiring a breeding fee will provide ARDC a skeletal framework needed by ACOs in the field, and to provide for a visit to the residence applying for a breeding fee to ensure owners are adhering to the standards of care. Standards of care address shelter, food, water and provision for medical care when applicable. ACOs will also be able to address potential nuisances.

This will also assist in addressing the sale of animals at flea markets, along roadsides and assist in the control and monitoring of pets for sales. Currently, puppies and kittens not selected for purchase may be subjected to abandonment, neglect or cruelty.

3. Canvassing:

Should canvassing be allowed?

Canvassing has been shown to increase the number of pet owners complying with registration and vaccination requirements of their pets. Canvassing can be accomplished using various approaches from targeting problem areas to using GIS or other surveying strategies.

Do ACOs have the right to enter my property? This is situational and will only be done if permission is granted or proper procedures have been adhered to. ACOs are simply confirming compliance.

If ACOs are conducting a neighborhood-wide canvassing campaign and notifying pet-owners of the city's ordinance (no citation issued) this is an educational-awareness effort. The mere presence of a canvassing program will positively impact compliance with local and state laws.

BENEFITS:

- Increase the number of pet owners complying with registration and vaccination.
- Reduce the number of pets not vaccinated against rabies, providing for an improved rabies prevention program.
- Access and reporting of violators or issues is expedited between residents and Animal Control Officers.

4. Prohibition of wolf-hybrids:

According to the National Association of State Public Health Veterinarians (NASPHV), these breeds are dangerous animals, and have wolf instincts posing a danger to children, livestock and the community at large. Most importantly there is no approved rabies vaccine for this breed.

Attachment A

7.08.050 Standards for Animal Care.

Every person within the City of El Paso who owns any animal, or who owns, conducts, manages or operates any animal establishment for which a license is required by this Title shall comply with each of the following conditions:

- A. Shelter and shade for animals must be provided.
- B. No animal shall be neglected.
- C. All animals shall be supplied with sufficient good and wholesome food and clean water as often as the feeding habits of the respective animals require.
- D. All animals and all animal buildings or enclosures shall be maintained in a clean, safe and sanitary condition.

- E. Animal buildings and enclosures shall be so constructed and maintained as to prevent escape of animals. All reasonable precautions shall be taken to protect the public from the animals and the animals from the public.
- F. Every animal establishment shall isolate animals known to be sick sufficiently so as to not endanger the health of other animals. Sick animals shall at all times be isolated from the other animals.
- G. The owner or custodian of an animal shall be required to present an animal to a veterinarian for examination or treatment if the Director, or Veterinary Officer finds this is necessary in order to maintain the health of the animal and notifies the owner or custodian to do so.
- H. The use of any restraint device that is, or could be, injurious or cause unnecessary cruelty to any animal is prohibited by this Title.
- I. It shall be a violation of this Title to provide an alcoholic beverage, controlled substance or illegal drug to an animal, unless prescribed by a veterinarian.

Attachment B

The following are the highlights of revisions made to Title 7, and Animal Regulation & Disease Control Ordinance:

- 1. Strengthened animal care standards (Attachment A)
 - Ensure appropriate shelter/shade/water and food is provided
 - Affords the opportunity for certified Animal Control Officers to enforce cruelty and nuisance charges where applicable
- 2. Aligned ordinance with State standards
 - Classification of dangerous dog
 - Prohibit any wolf/wolf hybrid within the city limits
 - Established 3-year rabies protocol (Recommended for April, 1, 2006)
- 3. Addressed use of poison
 - Added notification to Director
 - Amended use of strychnine, other poisons prohibited
- 4. Established the following services fees:
 - Euthanasia at owner's request – \$10 to \$25
 - Impoundment at owner's request for euthanasia - \$15 to \$45
 - Delivery of animals to owner - \$15 to \$25
 - Handling of animal bodies brought to ARDC for disposal – Set at \$10
 - Registration renewal maintained annually at \$8.00
 - Loss of registration adjusted from \$4 to \$8
- 5. Created a consumer appeal process
 - Added an appeal mechanism for permits/license
 - Appeal process:

1. Suspension/revocation appealed to Board
 2. Appeal must be made in writing to Health Authority within 10 days
 3. Board may hear any evidence relevant to permit or revocation
 4. Board shall make their determination and provide in writing to appellant within 10 business days
6. Addressed sales of animals
 - Roadside and Flea Market Sale Prohibited:
 - Eliminates roadside sales
 - Public right of way or flea markets
 - Prohibit breeders from selling animals anywhere in the public without a permit
 - Sales of Baby Chickens, Ducklings, Other Fowl, Rabbits and Turtles Prohibited
 - Unlawful to sell, barter, give away or display baby chickens, ducklings or fowl under 3 weeks old; rabbits under 2 months old, or aquatic turtles as pet toy premiums or novelties
7. Addressed breeding of animals
 - Limits each breeder to breeding their female dog/cat twice within a twelve month period
 - Established \$75 annual fee
8. Rabies
 - Established a 3 year rabies protocol, implementation date April 1, 2006
9. Mandatory Micro-Chipping recommended effective date of April 1, 2006